IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 454 OF 2007

Ms. Shubhangi N. Bhadange ...Petitioner

Versus

The Vice-Chancellor, University of Mumbai and others ... Respondents

Ms. B.N. More for the petitioner.
Mr. Rui Rodrigues for respondent Nos. 1 and 2.
Mr. M.D. Naik, Assistant Government Pleader, for respondent Nos. 3 and 4.

CORAM: **J.N. PATEL, Ag. C.J.,** &
S.C. DHARMADHIKARI, J.

DATE: **MARCH 13, 2007**.

P.C.

This petition is by a former student of respondent No.3 institution, who has approached this Court seeking a writ in the nature of mandamus directing the respondents to grant admission to the petitioner in the second year LL.B. of three Years' course in Government Law College, Churchgate, for the academic year 2006-2007, as the petitioner has been declared successful by respondent No.2, on revaluation of answer book in “Law of Crimes” of the first LL.B., Semester-II.

2. It is the case of the petitioner that if the revaluation was done by respondent No.2 within the stipulated period, she could have secured admission in the second year LL.B. of three years course and could have qualified to appear for the summer examination which is to be held in April/May, 2007.

3. The facts are not disputable. In identical cases concerning other colleges, this Court has permitted such students to appear in the examination as they brought certificates from the Principal of the respective colleges that the students were given provisional admission and allowed to keep terms awaiting the results of revaluation.

4. In this case, respondent No.3 has admittedly not given admission to the petitioner as she was declared failed and it is only on revaluation of the answer book, as stated above, that she was declared having passed the examination.

5. The only impediment in the way of the petitioner is the University Ordinance which prescribes for regular attendance in the college. But for the fact that the petitioner was not given admission by respondent No.3 institution, the requirement of the ordinance could be

complied with.

6. Strictly speaking, the respondents are justified on this ground. But the fault then lies on the doorstep of Respondent Nos. 1 and 2 in not declaring the results of revaluation within the stipulated period which would have otherwise qualified the petitioner from seeking admission. Therefore, in the peculiar facts and circumstances of this case and taking into consideration that this Court has permitted similarly placed students of other Colleges to appear for the examination, this Court can only persuade the respondents to consider the case of the petitioner sympathetically so as to enable the petitioner to appear for the examination and save one academic session without there being any fault on her part. With these observations, we dispose of this petition.

ACTING CHIEF JUSTICE

S.C. DHARMADHIKARI, J.